IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 5TH FEBRUARY, 2007/16TH MAGHA, 1928

WP(C).No. 721 of 2007(S)

AGAINST THE ORDER DATED 6.10.2006 IN IA NOS.2913/06 & 2964/06 IN OP.(G&W) NO.718/2006 of FAMILY COURT,TRIVANDRUM)

.....

PETITIONER/PETITIONER:

MANOJ ANSLEM REBEIRO,
S/O. ANSLEM REBEIRO, AGED 37 YEARS,
RESIDING AT T.C.34/895, VALIYATHOPE,
TRIVANDRUM.

BY ADV. SRI.THOMAS ABRAHAM
SRI.K.B.ARUNKUMAR
SRI.DIPU.R
SMT.MERCIAMMA MATHEW
SMT.JANCY MATHEW

RESPONDENT/COUNTER PETITIONER:

CANDEC ELIZEBETH REBEIRO,
W/O. MANOJ ANSLEM REBEIRO, AGED 33 YEARS,
NOW RESIDING AT T.C.26/2068, TUTORS LANE STATUE,
TRIVANDRUM.

BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR
SRI.T.P.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD

ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING:

APPENDIX (WP(C) NO.721 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the petition numbered as O.P.(G&W) No.718/2006.

Ext.P2: Copy of the order dated 14.8.2006 of the Hon'ble Supreme Court in Special Leave Appeal (Crl) No.3763/2006.

Ext.P3: Copy of the Interlocutory Application numbered as I.A.No.2913/2006 in O.P.(G&W) No.718/2006 on the file of the Family Court, Thiruvananthapuram.

Ext.P4: Copy of the order dtd.6.10.2006 in I.A.No.2913/2006 and 2964/2006 in O.P.(G&W) No.718/2006 on the file of Family Court, Thiruvananthapuram.

-True Copy-

P.A.to Judge.

M. RAMACHANDRAN & S.SIRI JAGAN, JJ.

W.P(C).NO. 721 OF 2007 – S

Dated this the 5th day of February, 2007

J U D G M E N T

Ramachandran, J.

By Ext.P2, the Supreme Court had directed that the dispute of the parents would be decided by the Family Court, Thiruvananthapuram untrammelled by any earlier findings. On the strength of the order, the husband had requested the Family Court that custody of the child is to be handed over to him as visitational rights alone were reserved in favour of the wife.

2. However, the Family Court found that there was clarification required in the matter of visitational rights, since the Supreme Court had not interfered with the issue of custody while Ext.P2 order was passed. The petition was not allowed for this reason. This order is under challenge, now.

3. We had heard counsel for the petitioner as well as respondents.

4. We do not find any error in the manner in which the issue has been approached by the court. Learned counsel for the respondent submits that expeditious steps will be taken to get the order of clarification as had been referred to in the order of the Family Court. The husband also may move for any such orders, in his discretion. As and when such clarifications come, the Family Court will have to take a decision in consonance with the orders. We cannot set any time limit for the purpose, but record the submission of the respondent that whatever necessary will be done, without delay.

The writ petition is therefore closed.

M. RAMACHANDRAN
(JUDGE)

S.SIRI JAGAN
(JUDGE)

Mbs/

M. RAMACHANDRAN &
S. SIRI JAGAN, JJ

W.P.(FC).NO. OF 200

J U D G M E N T

DATED: -11-2006